

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WESTERN-SOUTHERN LIFE
ASSURANCE COMPANY,

Plaintiff,

vs.

SAMUEL H. LEE, JR., et al.,

Defendants.

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Case No. 4:13-CV-2499 (CEJ)

MEMORANDUM AND ORDER

This matter is before the court on the motion of plaintiff Western-Southern Life Assurance Company to be dismissed from this interpleader action and for an award of attorney's fees and costs.

The purpose of an interpleader action is to shield a disinterested stakeholder from the costs of having to defend against multiple suits, and from the risk of multiple liability or inconsistent obligations when several claimants assert rights to a single stake. S & W Foreclosure Corp. v. Okenfuss, No. 4:09-CV-353 (CDP), 2010 WL 106675, *1 (E.D. Mo. Jan. 6, 2010). Where a stakeholder is disinterested and has deposited the stake into the court registry, the court may dismiss it from the interpleader action, leaving the claimants to prosecute their conflicting claims. Id. Western-Southern claims no interest in the policy's death benefit and has paid the proceeds into the court registry. Accordingly, plaintiff will be dismissed from this action.

Furthermore, a disinterested stakeholder who brings an interpleader action may be entitled to recover attorney's fees and costs in bringing the action. Id. The

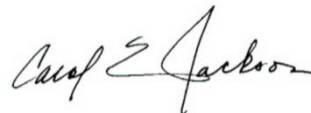
court's authority to grant an award is discretionary, not an absolute right. Amer. Life Ins. Co. of N.Y. v. Karnes, No. 07-40353-CV-C-NKL, 2007 WL 4365732, *3 (W.D. Mo. Dec. 11, 2007). "In the usual case the fee will be relatively modest, inasmuch as all that is necessary is the preparation of a petition, the deposit in court or posting of a bond, service on the claimants, and the preparation of an order discharging the stakeholder." 7 Charles Alan Wright et al., Federal Practice and Procedure § 1719 (3d ed. 1998).

As sole support for its request for attorney's fees and costs, plaintiff submits the affidavit of its attorney summarily stating the total amount of fees and costs incurred. This document does not reflect the number of hours expended, the work performed, or the hourly rate of plaintiff's counsel and is therefore insufficient to enable the court to determine whether the amount sought is reasonable. Therefore, plaintiff's request for attorney's fees and costs will be denied without prejudice.

Accordingly,

IT IS HEREBY ORDERED that the motion of plaintiff Western-Southern Life Assurance Company for dismissal from this action [Doc. # 29] is **granted**.

IT IS FURTHER ORDERED that the plaintiff's request for attorney's fees and costs is **denied without prejudice**.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 15th day of December, 2014.